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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,607	10/01/2003	Brian J. Davis	AGTZ 2 00047	7954
7590	12/29/2005			
Timothy E. Nauman Fay, Sharpe, Fagan, Minnich & McKee, LLP 7th Floor 1100 Superior Avenue Cleveland, OH 44114-2518			EXAMINER CHIN, GARY	
			ART UNIT 3661	PAPER NUMBER
DATE MAILED: 12/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,607	<b>Applicant(s)</b> DAVIS ET AL.	
	<b>Examiner</b> Gary Chin	<b>Art Unit</b> 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 56-58 is/are allowed.
- 6) ☒ Claim(s) 1-8, 39-48, 50 and 52-55 is/are rejected.
- 7) ☒ Claim(s) 9-38, 49 and 51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/21, 1/25 &amp; 8/26</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 30, 34-35, 39, 42, 48 and 49 are objected to because of the following informalities:

As per claims 30 and 49, both on line 9, the phrase “to for the data” should be “to form the data”.

As per claim 34, line 5; claim 35, line 3 and claim 42, line 3, the phrase “one of the group of events are detected” should be “one of the group of events is detected”.

As per claim 39, line 11, “detected event data” should be “the detected event data” in order to avoid the antecedent basis problem.

As per claim 48, lines 18 and 21, “the component information network” should be “the fuel pump information network”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-8, 39-42 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (patent no. 5917405) in view of Holland (patent no. 6321091) both submitted by applicants.

As per claims 1-2 and 46-47, figure 5B of the Joao reference teaches an apparatus for monitoring a component associated with a vehicle including a display (inherent in the computer shown in item 150) external to the vehicle, a monitoring device (item 11 and col. 24, lines 4-15 and 39-46) for sensing at least one environmental parameter (see engine temperature level on line 8 of col. 24) associated with the component being monitored and communicating the monitored data to the display device (col. 24, lines 9-13 and 42-45) within the computer in item 150. It is noted that the monitoring device in Joao does not equipped with its own power supply such as the battery to electrically isolate from the vehicle as claimed. However, such feature of equipping the monitoring device with its own battery as the power source is extremely well known in the art and clearly taught in item 30, figure 1 of the Holland reference. Hence, a person having ordinary skill in the art would have been motivated to incorporate such well known feature as taught in Holland into the Joao system so that the operation of the monitoring device can be independent from the vehicle.

As per claim 3, the claimed data communication network is taught in col. 24, lines 10-11 (see transmitter/receiver) of the Joao reference. Further, it would have been readily apparent for

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those skilled in the art that other well known data communication networks including those recited in claims 4-5 can be similarly used to transmit the monitored data as required.

As per claim 6, the claimed component information server for command and control of the monitoring device is clearly disclosed in item 510, figure 5B and col. 28, line 44 to col. 29, lines 1-17 of the Joao reference.

As per claims 7-8, the Joao reference in col. 29, lines 1-14 clearly teaches that any appropriate communication network or medium including the internet as claimed can be used as the data communication network or component information network.

As per claims 39 and 41-42, it is noted that the additionally claimed group of events has not been explicitly disclosed in the Joao reference. However, the Joao reference in col. 24, lines 8-9 does teach that any other vehicle operation can be monitored. Hence, it would have been readily apparent for one skilled in the art that the claimed group of events can be similarly monitored or detected based upon the suggestion found in the Joao reference.

As per claim 40, the claimed temperature sensor is suggested on col. 24, line 8 of the Joao reference and as such it meets the “at least one of” limitation as recited.

As per claim 43, the additionally claimed data communication link and data acquisition module are clearly suggested in col. 24, lines 9-15 of the Joao reference.

As per claim 44, the claimed primary battery as the power source is shown in item 30, figure 1 of the Joao reference.

As per claim 45, the claimed vehicle is clearly taught in col. 15, lines 58-60 of the Joao reference.

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5. Claims 48 and 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (patent no. 5917405).

As per claim 48, figure 5B of the Joao reference teaches a component monitoring system including the display device, information network, data communication network, monitoring device and the component information server as set forth above with regard to claims 1 and 6. It is noted that the Joao reference fails to specifically indicate the device to be monitored is a fuel pump as claimed. However, the Joao reference does disclose on col. 24, lines 40-45 that any other vehicle equipment or system can be similarly monitored by the monitoring device. Hence, it would have been readily apparent for one skilled in the art that the claimed fuel pump can be similarly monitored by the Joao system based upon the directed suggestion found in the Joao reference.

As per claims 52-52, the same reason for the rejection for claims 4-5 as set forth above is also applied herein.

As per claim 54, the claimed component information network including an Internet and other appropriate communication network such as the claimed telephone network is disclosed in col. 29, lines 1-14 of the Joao reference.

6. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao in view of Holland.

As per claim 50, the additional claimed feature of equipping the monitoring device with its own power source to electrically isolated from the fuel pump is taught by Holland for the same reason as set forth in claim 1.

7. Claims 56-58 are currently allowable over the art of record.

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8. Claims 9-38, 49 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


9. The additional references are cited to show the related systems. Applicant(s) should consider them carefully when responding to the current office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (571) 272-6959. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GARY CHIN  
PRIMARY EXAMINER